

In the Matter of

Petition for rulemaking filed by ATT
To make 800 MHz Cellular Band
Station Power rules Consistent with
Rules for Other Mobile Broadband
Service

Rule Making 11660

DA 12-701

Concepts To Operations, Inc. (CTO) a Maryland telecommunications consulting and engineering firm focused on public safety communication systems files this comment in limited support of the request by AT&T services to the Commission for modification of its rules to make the cellular band ERP rules consistent with ERP rules for other mobile broadband service infrastructure.

As noted in Concepts To Operation's previously filed comments in support of changes to rules related to the commercial use of the EMSR band in Commission proceeding (WT 12-64), CTO supports the Commissions efforts to be pro-active on rulemaking rather than approving waiver request after waiver request. In its previous support filing, CTO, as part of the Mobile Broadband Coalition noted that the changes requested by Sprint/Nextel and other 800 MHz commercial licensees will for allow better and more efficient use of the allocated channels in the band and is worthy of support and implementation. CTO reiterates, however, that its support is prefaced by its demand that all of the commercial licenses in the 800 MHz Band be treated equally. CTO, believes that the request in this proposed rule making is consistent with its position that licensee's who are **providing like kind services must be treated equally and**

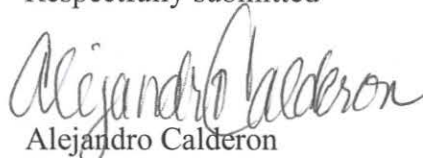
"PROFESSIONALS PUTTING GOOD IDEAS TO WORK"

consistently whether they are large or small, whether they are licensed in the 700MHz, 800MHz, 1700MHz, 1900MHz or 2100MHz bands. Fairness and equity in competition was the vision that Congress had in the passage of the Telecommunications Act of 1996.

CTO, expresses its concern that the wholesale chase for spectrum and the chase for auction dollars, has resulted in "public safety entities" being viewed as the ugly step-child impeding the FCC from making money for the U.S. Government through its auctions. In addition, recent congressional intervention into the "D-Block" auction has left many public safety entities, whom CTO represents, wondering where the source of funding will come from for the implementation of these constant changes. The recent licensing changes have left those same public safety entities who have complied with previous FCC orders for licensing changes to explain to their respective elected officials the fiscal impacts on their budgets (taxpayer funds). Unlike the Federal Government, small local municipalities do not have the pockets to continue to pay the price of "spectrum rearrangement for the sake of public auctions".

It is incumbent upon the Commission and the respective legislative committees to cease the piecemeal spectrum grab and find a "comprehensive plan" with funding for public safety communications. Small public safety entities need a clear path of consistency in communications which will allow them to invest in the future and allow the major product suppliers to develop equipment for the long term. This approach will alleviate the reoccurring "forklifting" of entire systems every 8-10 years.

Respectfully submitted



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